

<b>35-202</b>	<b>CONVENTIONAL AND ENCLAVE SUBDIVISION.....</b>	<b>4</b>
	(Planning Commission, Bill Telford, Page 2- 7) – S - Removal of maximum size for enclave subdivisions.....	4
<b>35-205</b>	<b>OFFICE OR INSTITUTIONAL CAMPUS.....</b>	<b>4</b>
	(Bill Telford, RID - 032, Page 2-38) – C - Clarify that parking lots are not structures.....	4
<b>35-422</b>	<b>CONDITIONAL ZONING.....</b>	<b>4</b>
	(John Jacks, Page 4-44) – M - Deletion of provision requiring two public meetings.....	4
<b>35-430</b>	<b>APPLICABILITY &amp; GENERAL RULES.....</b>	<b>5</b>
	(Eddy Guzman, RID-028, Page 4-68) – M - Provision to provide sewer or water service to existing buildings. ....	5
<b>35-432</b>	<b>PROCEDURES FOR SUBDIVISION PLAT APPROVAL .....</b>	<b>5</b>
	(Edward Guzman, Page 4-78) - M – Addition of requirement to resolve outstanding liens prior to recording a plat. ....	5
	<b>(I) RECORDING PROCEDURES.....</b>	<b>5</b>
<b>35-443</b>	<b>REPLATS SUBJECT TO LOW-DENSITY ZONING .....</b>	<b>6</b>
	(Eddy Guzman, Page 4-98) – M - Elimination of provision requiring two commission meetings for replatting. ....	6
<b>35-478</b>	<b>&amp; 35-524 DELETED IN ITS ENTIRETY.....</b>	<b>6</b>
	(Debbie Reid, Page 4-119) – C - Elimination of unused provision regarding woodland preservation..	6
<b>35-483</b>	<b>SUBDIVISION VARIANCES .....</b>	<b>6</b>
	(Planning Commission Committee - Eddy Guzman, Page 4-132) – M - Clarification and revision of findings required granting variances. ....	6
<b>35-493</b>	<b>VIOLATIONS OF TREE PRESERVATION STANDARDS.....</b>	<b>7</b>
	(Debbie Reid, Page 4 – 142) – M - Clarification when work may begin or start. ....	7
<b>35-506</b>	<b>TRANSPORTATION AND STREET DESIGN .....</b>	<b>7</b>
	(Public Works, Abigail Kinnison, Page 5-81) – S - Rewording of text outlining the bicycle master plan and required construction standards. ....	7

<b>35-506</b>	<b>TRANSPORTATION AND STREET DESIGN .....</b>	<b>8</b>
	(Eddy Guzman, RID-029, Page 5-108) – M - Clarification of streets and sidewalks to be constructed.	8
<b>(Q)</b>	<b>SIDEWALK STANDARDS .....</b>	<b>8</b>
	Clarification of required sidewalk improvements. ....	8
<b>35-511</b>	<b>LANDSCAPING .....</b>	<b>8</b>
	(Debbie Reid, Page 5 – 136) - C - Clarification when the seal of a registered landscape architect is not required. ....	8
<b>35-511</b>	<b>LANDSCAPING .....</b>	<b>8</b>
	(Debbie Reid, Page 5 – 138) - C - When landscape irrigation is required. ....	8
<b>35-515</b>	<b>LOT LAYOUT REGULATIONS.....</b>	<b>9</b>
	(Eddy Guzman, Page 5-152) - C - Provisions to prevent land locking of properties. ....	9
<b>35-516</b>	<b>SETBACK AND FRONTAGE REGULATIONS.....</b>	<b>9</b>
	(Eddy Guzman, Page 5-157) – C - Application of setback lines on an existing plat. ....	9
<b>35-523</b>	<b>TREE PRESERVATION .....</b>	<b>9</b>
	(Debbie Reid, Page 5-157) - S - Defining invasive species. ....	9
<b>35-523</b>	<b>TREE PRESERVATION .....</b>	<b>10</b>
	(Gene Dawson - Debbie Reid, Page 5 – 166) – S - Clarification of tree stand delineation alternative. ....	10
<b>35-523</b>	<b>TREE PRESERVATION .....</b>	<b>10</b>
<b>35-523</b>	<b>TREE PRESERVATION .....</b>	<b>11</b>
	(Debbie Reid, Page 5 – 168) - S - Revision of tree mitigation table.....	11
<b>35-523</b>	<b>TREE PRESERVATION .....</b>	<b>11</b>
	(Debbie Reid, Page 5 – 170) - C - Provision for reducing root protection zone during construction..	11
<b>35-526</b>	<b>PARKING &amp; LOADING STANDARDS.....</b>	<b>11</b>
	(Bill Telford, Page 5-187) - S - Revisions to the table of parking in residential districts.....	11
<b>35-310.15</b>	<b>“UD” URBAN DEVELOPMENT DISTRICT .....</b>	<b>13</b>

(Nina Nixon-Mendez, Page 3-56) - M - Addition of a site plan in requirement (MDP, plat and building plans) in UD zoning district .....	13
<b>35-310.15 "UD" URBAN DEVELOPMENT DISTRICT .....</b>	<b>13</b>
(Nina Nixon-Mendez, Page 3-60) - M - Clarification of building frontage in "UD" districts.....	13
<b>35-310.15 "UD" URBAN DEVELOPMENT DISTRICT .....</b>	<b>14</b>
(Nina Nixon-Mendez, Page 3-64) - S - Clarification of distance between parks and playgrounds and residences.....	14
<b>35-310.15 "UD" URBAN DEVELOPMENT DISTRICT .....</b>	<b>14</b>
(Nina Nixon-Mendez, Page 3-68) - M - Clarification of streets requiring vegetative buffers.....	14
<b>35-310.15 "UD" URBAN DEVELOPMENT DISTRICT .....</b>	<b>15</b>
(Nina Nixon-Mendez, Page 3-56) - M - Clarification of "FDP" process and civic space in "UD" district.....	15
<b>35-310.16 "RD" RURAL DEVELOPMENT DISTRICT.....</b>	<b>15</b>
(Nina Nixon-Mendez, Page 3-75) - M - Clarification of "FDP" process and civic space in "RD" district.....	15
<b>35-310.17 "FR" FARM &amp; RANCH DISTRICT.....</b>	<b>15</b>
(Nina Nixon-Mendez, Page 3-80) - S - Clarification of "FDP" process and civic space in "FR" district. ....	15
<b>35-310.18 "MI-1" MIXED LIGHT INDUSTRIAL .....</b>	<b>16</b>
(Nina Nixon-Mendez, Page 3-83) - S - Clarification of "FDP" process and civic space in "MI-1" district.....	16
<b>35-310.19 "MI-2" MIXED HEAVY INDUSTRIAL.....</b>	<b>16</b>
(Nina Nixon-Mendez, Page 3-91) - S - Clarification of "FDP" process and civic space in "MI-2" district.....	16

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### **35-202 Conventional and Enclave Subdivision**

(Planning Commission, Bill Telford, Page 2- 7) – **S** - *Removal of maximum size for enclave subdivisions.*

#### **(c) Size And Location Of Site**

There is no minimum or maximum size for conventional or enclave subdivisions.

*(The Development Services Department supports the removal of the 30 acre maximum size limit on enclave subdivisions. However DSD does not support not having a maximum size limit on enclave developments. DSD recommends that a maximum size be placed on enclave subdivision in the range of 150 to 200 acres. Primarily the maximum size limit is to provide access and more efficient delivery of city services to subdivisions surrounding an enclave subdivision.)*

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### **35-205 Office or Institutional Campus**

(Bill Telford, RID - 032, Page 2-38) – **C** - *Clarify that parking lots are not structures.*

#### **(f) Lot Layout**

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##### **(2) Setbacks.**

No building, parking garage, covered parking or other structure, except streets, walks, and parking lots , shall be erected within the following setbacks lines measured along the perimeter of a business park district:

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### **35-422 Conditional Zoning**

(John Jacks, Page 4-44) – **M** - *Deletion of provision requiring two public meetings.*

#### **(b) Initiation**

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A conditional zoning district may be granted as an amendment to an ongoing rezoning case before the zoning commission or city council. ~~Before granting the amendment, the city may issue a courtesy notice to affected parties of the proposed conditional zoning district and will not require the applicant to submit a new application or pay additional fees other than for the difference (if any) between a conventional case and a conditional~~

~~zoning case. Such amendment shall then be considered at the next regularly-scheduled zoning commission meeting or, in the case of the city council, at the next regularly-scheduled meeting at which zoning cases will be considered. All costs associated with issuance of the courtesy notice shall be borne by the city.~~

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### **35-430 Applicability & General Rules**

(Eddy Guzman, RID-028, Page 4-68) – **M** - *Provision to provide sewer or water service to existing buildings.*

#### **(c) Plat Exceptions**

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##### **(13) Sewer & water service to existing buildings**

If existing buildings on an unplatted tract are occupied, sewer and water services may be provided if "all" of the following conditions are met:

- A. that the applicant provide evidence that non single family development and/or non single family improvements had received electrical service for a minimum continuous period of five years prior to the date of application for sewer and/or water services.
- C. the site is not subject to thoroughfare dedication,
- D. if applicable existing building/s shall comply with the flood plain ordinance.
- E. service is restricted to existing uses and,

F. impact fees are paid at time of application for service. -

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### **35-432 Procedures for Subdivision Plat Approval**

(Edward Guzman, Page 4-78) - **M** – *Addition of requirement to resolve outstanding liens prior to recording a plat.*

#### **(I) Recording Procedures**

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##### **(2) Recordation**

The director of development services shall file for record an approved plat in the deed and plat records of the county within which the plat is located provided the property owner consents in writing and the plat meets **applicable** conditions:

- A. no site improvements are required
- B. all required site improvements have been completed and accepted by the director of development services.
- C. a performance agreement and a guarantee of performance as described in 35-436 have been filed with the city clerk.
- D. all required impact and drainage fees have been paid **and or;**

E. outstanding liens imposed by the city on sites cleared of debris, removal of health hazards, over growth and or the razing of un-safe building(s) is resolved and approved by the director of finance.

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**35-443 Replats Subject to Low-Density Zoning**

(Eddy Guzman, Page 4-98) – **M** - *Elimination of provision requiring two commission meetings for replatting.*

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**35-478 & 35-524 Deleted in its entirety**

(Debbie Reid, Page 4-119) – **C** - *Elimination of unused provision regarding woodland preservation.*

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**35-483 Subdivision Variances**

(Planning Commission Committee - Eddy Guzman, Page 4-132) – **M** - *Clarification and revision of findings required granting variances.*

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**(e) Approval Criteria**

The planning commission may grant variances to the requirements of this article if it concludes that strict compliance with these regulations would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of these regulations will be observed, public safety and welfare secured, and substantial justice done. The planning commission may grant a variance only if it finds that:

- - The variance is not contrary to the public safety, interest, and the City's Master Plan; and
    - Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
    - By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.
- 
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**35-493          Violations of Tree Preservation Standards**

(Debbie Reid, Page 4 – 142) – **M** - *Clarification when work may begin or start.*

**(a)      Inside City Limits.**

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**(2)      Penalty**

Any person who commits a violation of this chapter shall be subject to a civil penalty of up to one thousand dollars (\$1,000.00) per violation or a criminal penalty of up to two hundred dollars (\$200.00) per violation per day and may be required to attend one or more training seminars. For the purpose of calculating penalties, each day on which a violation is found to exist shall constitute a separate and sanctionable offense.

Work requiring a permit shall not be commenced until the permit application is approved, the permit is posted on site and any required tree protection fencing has been installed and inspected. Where work for which a permit is required, is started prior to receiving a permit, the permit fees may be doubled.

On Tree Affidavit/Permit applications that have been altered or falsified, a double fee on that permit may be assessed in lieu of further legal action.

**(b)      Outside City Limits.**

Whenever a violation of this chapter is believed to have occurred or to be occurring outside the corporate limits of the city but within the city's ETJ, criminal penalties shall not be sought, however, enforcement against such violations is hereby authorized pursuant to and under the authority granted by V.T.C.A., Texas Local Government Code, § 212.001, et. seq.

Work requiring a permit shall not be commenced until the permit application is approved, the permit is posted on site and any required tree protection fencing has been installed and inspected. Where work for which a permit is required, is started prior to receiving a permit, the permit fees may be doubled.

On Tree Affidavit/Permit applications that have been altered or falsified, a double fee on that permit may be assessed in lieu of further legal action.

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**35-506          Transportation and Street Design**

(Public Works, Abigail Kinnison, Page 5-81) – **S** - *Rewording of text outlining the bicycle master plan and required construction standards.*

**(d)      Cross-Section and Construction Standards**

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**(4)      Bicycle Facilities.**

Bike paths, when required within the city limits, may be constructed with development of the abutting property at the time building permit acquired.

"When identified on the City Council approved Bike Facilities Master Plan roadways requiring bicycle facilities shall be constructed in accordance with the American Association of State Highway and Transportation Officials "Guide for the Development of Bicycle Facilities".

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**35-506      Transportation and Street Design**

(Eddy Guzman, RID-029, Page 5-108) – **M** - *Clarification of streets and sidewalks to be constructed.*

**(q)      Sidewalk Standards**

**Clarification of required sidewalk improvements.**

**(1)      Applicability.**

Sidewalks shall be required on both sides of all internal streets and the subdivision side of all adjacent or perimeter streets except as specified in Subsection (2), below. Reverse residential street lots shall have sidewalks provided on both street frontages. Sidewalks shall be required as part of the street improvements only on one (1) side of subdivision entry streets unless residential lots are platted or planned to be platted on both sides of the street. In addition, if sidewalks are in place at the time of platting or permitting, the requirement to reconstruct said walks shall be imposed if walks do not meet minimum ADA standards.

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**35-511      Landscaping**

(Debbie Reid, Page 5 – 136) - **C** - *Clarification when the seal of a registered landscape architect is not required.*

**(b)      Landscape plan**

Activities subject to this Section which exceed 4,300 square feet of impervious surface shall include landscape materials installed in conformance with the approved landscape plan bearing the seal of a registered landscape architect. If all Landscape Buffer, Landscape and Tree Preservation requirements have been met by the utilization of existing trees and vegetation, the seal of a registered landscape architect is not required.

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**35-511      Landscaping**

(Debbie Reid, Page 5 – 138) - **C** - *When landscape irrigation is required.*

**(c)      Mandatory Criteria**

**(6)      Irrigation**

Landscaped areas shall be irrigated with a system that is suitable for the type of plantings installed. An irrigation system will be required on projects with any one of the following which are used to meet the UDC:

A. an area greater than 2,000 sq ft of new landscape or;



- B. more than 10 trees will be installed or;
- C projects which exceed 4,300 square feet of impervious surface.

In lieu of an irrigation system, a hose bib must be within 100 feet of the newly installed plant material. No irrigation is required for turf areas. Where an irrigation system is required, the irrigation system shall comply with the requirements of 30 TAC Chapter 344, §§ 344.72-344.77.

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### **35-515 Lot Layout Regulations**

(Eddy Guzman, Page 5-152) - **C** - *Provisions to prevent land locking of properties.*

#### **(c) Lots**

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##### **(5) Prohibition against creating landlocked conditions**

Plat applicants shall ensure that there is no abutting landlock conditions created by the proposed plat.

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### **35-516 Setback and Frontage Regulations**

(Eddy Guzman, Page 5-157) - **C** - *Application of setback lines on an existing plat.*

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#### **(o) Previous Plats**

The setback line, as shown on plats initiated two years prior to December 2, 2004 shall be recognized as the official setback line.

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### **35-523 Tree Preservation**

(Debbie Reid, Page 5-157) - **S** - *Defining invasive species.*

#### **(d) Protected Tree Designations**

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##### **(3) Invasive species**

Invasive exotic trees, including Chinaberry, Chinese Tallow, Tree of Heaven, Chinese Pistache, Ligustrum, Golden Raintree and Tamarisk will not be protected and can be removed without penalty or mitigation.

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**35-523 Tree Preservation**

(Gene Dawson - Debbie Reid, Page 5 – 166) – **S** - *Clarification of tree stand delineation alternative.*

**(e) Minimum Preservation Requirements**

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**(3) Tree Stand Delineation Alternative** - As an alternative to a tree survey, a tree stand delineation may be used to meet the preservation requirements (see submittal requirements Section 35-B125). The amount of tree area(s) required to be preserved is twenty-five (25) percent. Within the tree save area, the existing understory must be included/preserved to meet the requirements of this elective option.

For projects utilizing the Tree Stand Delineation method for a tree survey with more than 100 acres of contiguous tree canopy, the applicant will have the option of completing a random-grid method for calculating an average of Heritage tree diameter inches to be removed.

An additional option for meeting Tree Preservation Ordinance on major plat projects that include new street rights-of-way; ability to preserve 25% of the contiguous tree canopy on the entire site outside the 100-year flood plain. Within the tree save area, the existing understory must be included/preserved to meet the requirements of this elective option.

Additional definition: Contiguous tree canopy is a condition where the branches of the trees on a site touch or overlap with other trees; that there is no more than 5% open space in this area including any existing roads or utility alignments and this open space must not be greater than 30 feet wide.

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**35-523 Tree Preservation**

(Debbie Reid, Page 5 – 168) - **C** - *Clarification of tree preservation standards for athletic fields.*

**(e) Minimum Preservation Requirements**

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**(10) Athletic Fields**

Athletic field(s) standards include a 25% preservation of Significant Trees and 100% preservation of "Long-lived **Heritage**" tree species. In addition, on athletic field sites with "re-growth"/multi-trunk tree species including Ashe Juniper, Huisache and Mesquite, can be removed without penalty or mitigation. This provision is not to enable a site to increase its impervious area.

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**35-523 Tree Preservation**

(Debbie Reid, Page 5 – 168) - **S** - *Revision of tree mitigation table.*

**(f) Mitigation/Alternative Mitigation Methods**

**Table 523-2 Mitigation (B) Descriptions**

<b>Table 523-2 Mitigation</b>		
<b>(A) Method</b>	<b>(B) Description</b>	<b>(C) Restrictions</b>
1. Establishment and maintenance of new trees at the required ratio on-site	Significant 1:1 Heritage 3:1 <u>with the exception of Short-lived trees species, including Hackberry (all species), Cottonwood, Ash (all species), Mulberry (all species) and Catalpa which will be mitigated at a 1:1 ratio.</u>	No more than twenty-five (25) percent of the replacement trees shall be of the same species; for the purposes of mitigation, Heritage designation does not apply to the Ashe Juniper..

(mitigation will be at 1:1 versus the current 3:1)

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**35-523 Tree Preservation**

(Debbie Reid, Page 5 – 170) - **C** - *Provision for reducing root protection zone during construction.*

**(j) Root protection zone**

The area contained within a root protection zone required under this subsection must be left in a pervious condition after construction and development are completed unless approved alternative construction methods are used. In addition, the root protection zone may be reduced in parking areas where approved alternative construction methods and materials.

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**35-526 Parking & Loading Standards**

(Bill Telford, Page 5-187) - **S** - *Revisions to the table of parking in residential districts.*

**(a) Table of off-street parking requirements as follows:**

**TABLE 526-a**  
**"Parking in Residential Use Districts"**

Permitted Use	Minimum Vehicle Spaces	Maximum Vehicle Spaces
School – Public or private childcare facilities	One space per (10) children and one space per office.	None
School – Public or private pre-kinder, kindergarten and grades 1 thru 5	Two (2) spaces per classroom and two (2) spaces per office	None
School – Public or private middle school grades 6 thru 8	Three (3) spaces per classroom and three (3) spaces per office	None
School – Public or private high school grades 9 thru 12	Six (6) spaces per classroom and six (6) spaces per office	None
School – Public or private college, university	Ten (10) spaces per classroom and ten (10) spaces per office	None

**TABLE 526-b**  
**Parking in Non-Residential Use Districts**

Permitted Use	Minimum Vehicle Spaces	Maximum Vehicle Spaces	
SCHOOL	Public or private childcare facilities	One space per (10) children and one space per office.	None
SCHOOL	Public or private pre-kinder, kindergarten and grades 1 thru 5	Two (2) spaces per classroom and two (2) spaces per office	None
SCHOOL	Public or private middle school grades 6 thru 8	Three (3) spaces per classroom and three (3) spaces per office	None
SCHOOL	Public or private high school grades 9 thru 12	Six (6) spaces per classroom and six (6) spaces per office	None
SCHOOL	Public or private university, college, trade, business	Ten (10) spaces per classroom and ten (10) spaces per office	None
SERVICE	Food - restaurant or cafeteria	1 per 70 sf. GFA	1 per 40 sf. GFA
SERVICE	MEDICAL - hospital or sanitarium	1 per 400 sf. GFA	None

**35-310.15 "UD" Urban Development District**

(Nina Nixon-Mendez, Page 3-56) - **S** - *Addition of a site plan in requirement (MDP, plat and building plans) in UD zoning district.*

**(a) "UD" Generally**

\*\*\*\*

**(1) Purpose**

\*\*\*\*

**(2) Applicability**

Flex District development applications (MDP, Plat and Building Plans) shall be accompanied by a site plan that shows the following information:

- A. Use: location, acreage, notation of restrictions based on use-type.
- B. Circulation: Street type and location must be indicated. ROW and pavement cross-sections must be provided that indicate travel lane width, bike lane, and on-street parking within pavement width, and vegetation and sidewalk widths within remaining ROW. Parking location and pedestrian walkways to commercial buildings must be indicated.
- C. Block lengths must be indicated on plan.
- D. Vegetative buffers and building setbacks shall be indicated or notated on plan.

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**35-310.15 "UD" Urban Development District**

(Nina Nixon-Mendez, Page 3-60) - **M** - *Clarification of building frontage in "UD" districts.*

**(b) "UD" Uses & Conditions**

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**(3) Commercial Uses.**

- A. Individual commercial structures with uses permitted in Table 311-2a, non-residential use matrix, with a building footprint of 90,000 square feet or greater shall be located fronting on and within 550 feet of the intersection of the centerlines of two major thoroughfares (including boulevards, main streets and avenues) as defined by the city's Major Thoroughfare Plan, Table 506-1 and Table 506-2. Commercial buildings shall front public streets.

<i>Reference: Sec. 35-506 Transportation and Street Design:</i>
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Table 506-1, Conventional, and Table 506-2, Traditional, street classifications.
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- B. Individual commercial structures with uses permitted in Table 311-2a, non-residential use matrix, with a building footprint of less than 90,000 square feet shall be located fronting on and within 850 feet of the intersection of the centerlines of any two major thoroughfares (including boulevards, main streets

and avenues) as defined by the city's Major Thoroughfare Plan, Table 506-1 and Table 506-2. Commercial buildings shall front public streets.

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### 35-310.15 "UD" Urban Development District

(Nina Nixon-Mendez, Page 3-64) - **S** - *Clarification of distance between parks and playgrounds and residences.*

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#### (d) "UD" Parks & Open Space

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- (2) Parks and playgrounds shall be located within ¼ mile of every residence in "UD" districts.

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### 35-310.15 "UD" Urban Development District

(Nina Nixon-Mendez, Page 3-68) - **M** - *Clarification of streets requiring vegetative buffers.*

#### (g) "UD" Buffers

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**Table 310.15-3  
Street Classification and Vegetative Buffers**

Adjoining Street Classification*	Minimum Vegetative Buffer Yard Requirement	Vegetative Buffer Yard Type
Collectors or Avenues ** (UD, RD, and FR districts Exempt)	15 feet from any property line adjoining a collector street	C or Option C or N Fence, wall, or berm not permitted
Primary and Secondary Arterials Enhanced Secondary Arterials Main Streets or Boulevards (UD district Exempt)	25 feet from any property line adjoining a primary or secondary arterial street	D or Option D or N Fence, wall or berm not required
Freeways, Parkways or Super Arterials	30 feet from any property line adjoining a freeway	E or Option E or N Fence, wall, or berm not required

\* As described in Table 506-1, Table 506-2, and the Major Thoroughfare Plan

\*\* Only applicable to MI-1 district.

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**35-310.15 "UD" Urban Development District**

(Nina Nixon-Mendez, Page 3-56) - **M** - *Clarification of "FDP" process and civic space in "UD" district.*

\*\*\*\*

**(i) "UD" Master Plan Consistency**

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- (2)** An "FDP" shall seek approval through the Master Development Plan (MDP) process. An "FDP" submittal shall provide the same information as required for a Planned Unit Development in Appendix "B".
- (3)** Flex development plan shall include at least one Civic Space in the form of a Plaza, Courtyard, Forecourt, or Square within the commercial area of the development. The Civic Space will count toward required park dedication.

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**35-310.16 "RD" Rural Development District**

(Nina Nixon-Mendez, Page 3-75) - **M** - *Clarification of "FDP" process and civic space in "RD" district.*

**(a) "RD" Generally**

**(1) Purpose**

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**(2) Applicability** (see 35-310.15(a)(2))

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**SL**

**35-310.17 "FR" Farm & Ranch District**

(Nina Nixon-Mendez, Page 3-80) - **S** - *Clarification of "FDP" process and civic space in "FR" district.*

**(a) "FR" Generally**

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**(1) Purpose**

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**(2) Applicability** (see 35-310.15(a)(2))

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**35-310.18 "MI-1" Mixed Light Industrial**

(Nina Nixon-Mendez, Page 3-83) - **S** - *Clarification of "FDP" process and civic space in "MI-1" district.*

**(a) "MI-1" Generally**

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**(2) Applicability** (see 35-310.15(a)(2))

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**35-310.19 "MI-2" Mixed Heavy Industrial**

(Nina Nixon-Mendez, Page 3-91) - **S** - *Clarification of "FDP" process and civic space in "MI-2" district.*

**(a) "MI-2" Generally**

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**(3) Applicability** (see 35-310.15(a)(2))

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